



Attorney Docket No.: 30120/32005  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JENSEN, ET AL. )

APPLICATION NO.: 10/747,630 )

FILED: December 29, 2003 )

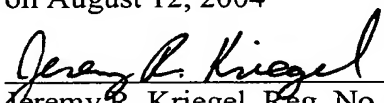
FOR: METHOD AND APPARATUS )  
FOR USE IN REMOVAL OF )  
INTERNAL BONES IN A FORE-END )

ART UNIT: 3643 )

EXAMINER: PRICE, R.T. )

Certificate of Mailing

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) with the United States Postal Service with  
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) P.O. Box 1450, Alexandria, Virginia 22313-1450  
) on August 12, 2004

)   
) Jeremy R. Kriegel, Reg. No. 39,257

**Petition for Acceptance of an Unintentionally Delayed  
Claim for Benefit of a Prior-Filed Application Under 35 U.S.C. § 120**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants hereby petition the Commissioner to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed International Application No. PCT/DK02/00459, filed July 2, 2002, and which designated the United States of America. The present application, which was filed December 29, 2003, is a national stage of that international application. The Declaration/Power of Attorney submitted with the application included a claim for benefit under 35 U.S.C. § 120 to the filing date of International Application No. PCT/DK02/00459, filed July 2, 2002, as well as a foreign priority under 35 U.S.C. § 119 to Denmark patent application PA-200101047, filed July 3, 2001. However, Applicants did not amend the application to contain a reference to the prior-filed international application within the later of four months from the date on which the national stage commenced in the international application or sixteen months from the filing


date of the prior-filed Denmark application. In support of this Petition, the undersigned hereby states the following:

- (i) A preliminary amendment, which includes the reference to the prior-filed international application, is submitted herewith;
- (ii) A check in the amount of \$1,330.00, for the surcharge set forth in 37 C.F.R. § 1.17(t), is submitted herewith; and
- (iii) The entire delay between the date the claim was due under paragraph 37 C.F.R. § 1.78(a)(2)(ii), which is understood to be April 29, 2004, and today, which is the date on which the claim was filed, was unintentional.

Based on the foregoing, it is respectfully requested that this petition be granted, the accompanying Second Preliminary Amendment be entered, and the Applicants' claim under 35 U.S.C. 120 for benefit of a prior-filed international application designating the United States of America be accepted. In the event any additional fees are necessary, kindly charge the cost thereof to our Deposit Account No. 13-2855, under Order No. 30120/32005.

Dated: August 12, 2004

Respectfully submitted,

  
Jeremy R. Kriegel  
Reg. No. 39,257

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,330.00

## Complete if Known

Application Number	10/747,630-Conf. #5726
Filing Date	December 29, 2003
First Named Inventor	Carsten Jensen
Examiner Name	Price, R.T.
Art Unit	3643
Attorney Docket No.	30120/32005

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number

13-2855

Deposit  
Account  
Name

MARSHALL, GERSTEIN &  
BORUN LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =		
Independent Claims	6	-6** =		0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)	1454			Acceptance of an unintentionally delayed claim for priority	1,330.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,330.00

## SUBMITTED BY

Name (Print/Type) Jeremy R. Kriegel

Registration No.  
(Attorney/Agent)

39,257

(Complete if applicable)

Telephone (312) 474-6300

Signature

*Jeremy R. Kriegel*

Date

August 12, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 12, 2004

Signature:

*Jeremy R. Kriegel*

(Jeremy R. Kriegel)